

Words "or any of its agencies" were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Minor changes were made in phraseology.

### § 2073. False entries and reports of moneys or securities.

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of keeping accounts or records of any kind, with intent to deceive, mislead, injure, or defraud, makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties; or

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, with like intent, makes a false report of such moneys or securities—

Shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, 62 Stat. 795.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 189 (Mar. 4, 1911, ch. 270, 36 Stat. 1355).

Words "or any of its agencies" were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

References to persons aiding and abetting were omitted. Such persons are principals under section 2 of this title. Minor verbal changes were made.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1457.

### § 2074. False weather reports.

Whoever knowingly issues or publishes any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined not more than \$500 or imprisoned not more than ninety days, or both. (June 25, 1948, ch. 645, 62 Stat. 795.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 117 (Mar. 4, 1909, ch. 321, § 61, 35 Stat. 1100).

Minor verbal changes were made.

#### TRANSFER OF FUNCTIONS

The Environmental Science Services Administration in the Department of Commerce, including the offices of Administrator and Deputy Administrator thereof, were abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 30, 1970, 35 F.R. 15627, 84 Stat. —, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred the personnel, property, records, and unexpended balances of funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. The components of the Environmental Science Services Administration thus transferred included the Weather Bureau, the Coast and Geodetic Survey, the Environmental Data Service, the National Environmental Satellite Center, and the ESSA Research Laboratories.

The Weather Bureau of the Department of Commerce was consolidated with the Coast and Geodetic Survey to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30

F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees.

The functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees. The Weather Bureau, referred to in this section, is a bureau of the Department of Commerce.

### § 2075. Officer failing to make returns or reports.

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than \$1,000. (June 25, 1948, ch. 645, 62 Stat. 796.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 188 (Mar. 4, 1909, ch. 321, § 101, 35 Stat. 1107).

### § 2076. Clerk of United States District Court.

Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined not more than \$1,000 or imprisoned not more than one year. (June 25, 1948, ch. 645, 62 Stat. 796.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on section 522 of title 28, U. S. C., 1940 ed., Judicial Code and Judiciary (Feb. 22, 1875, ch. 95, § 6, 18 Stat. 334).

The reference to the offense as a misdemeanor was omitted as unnecessary in view of the definition of "misdemeanor" in section 1 of this title.

The last sentence providing that conviction should not be a condition precedent to removal from office was omitted as unnecessary.

Minor changes were made in phraseology.

#### CROSS REFERENCES

Removal of clerk from office, see section 751 of Title 28, Judiciary and Judicial Procedure.

## Chapter 102.—RIOTS

Sec.

2101. Riots.

2102. Definitions.

#### AMENDMENTS

1968—Pub. L. 90-284, title I, § 104(a), Apr. 11, 1968, 82 Stat. 75, added chapter 102 and items 2101 and 2102.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2516 of this title.

### § 2101. Riots.

(a) (1) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

(A) to incite a riot; or

(B) to organize, promote, encourage, participate in, or carry on a riot; or

(C) to commit any act of violence in furtherance of a riot; or

(D) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—

Shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a) and (1) have traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding.

(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. (Added Pub. L. 90-284, title I, § 104(a), Apr. 11, 1968, 82 Stat. 75.)

#### CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of offenses under this chapter see section 2516 of this title.

#### § 2102. Definitions.

(a) As used in this chapter, the term "riot" means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other

individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(b) As used in this chapter, the term "to incite a riot", or "to organize, promote, encourage, participate in, or carry on a riot", includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts. (Added Pub. L. 90-284, title I, § 104(a), Apr. 11, 1968, 82 Stat. 76.)

### Chapter 103.—ROBBERY AND BURGLARY

Sec.

- 2111. Special maritime and territorial jurisdiction.
- 2112. Personal property of United States.
- 2113. Bank robbery and incidental crimes.
- 2114. Mail, money, or other property of United States.
- 2115. Post office.
- 2116. Railway or steamboat post office.
- 2117. Breaking or entering carrier facilities.

#### AMENDMENTS

1966—Pub. L. 89-654, § 2(d), Oct. 14, 1966, 80 Stat. 904, substituted "Breaking or entering carrier facilities" for "Railroad car entered or seal broken" in item 2117.

#### CROSS REFERENCES

Extradition of fugitives from country under control of United States, see section 3185 of this title.

Indian country, punishment, see section 1153 of this title.

Indians, jurisdiction of offenses by, see section 3242 of this title.

Piracy, robbery ashore by those engaged in piratical cruise, see section 1661 of this title.

Wire or oral communications, authorization for interception, to provide evidence of robbery, see section 2516 of this title.

#### § 2111. Special maritime and territorial jurisdiction.

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes from the person or presence of another anything of value, shall be imprisoned not more than fifteen years. (June 25, 1948, ch. 645, 62 Stat. 796.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 463 (Mar. 4, 1909, ch. 321, § 284, 35 Stat. 1144).

Words "within the special maritime and territorial jurisdiction of the United States" were added to restrict the place of the offense to those places described in section 451 of title 18, U. S. C., 1940 ed., now section 7 of this title.

Minor changes were made in phraseology.

#### CROSS REFERENCES

Actions aboard aircraft in flight in violation of this section punishable as provided herein, see section 1472 of Title 49, Transportation.

Definition, see section 7 of this title.

High seas, citizens as pirates, see section 1652 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 1472.